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November 22, 2004

TO : U.S. Patent and Trademark Office

ATTN: Ms. Ljiljana V. Ciric

FAX NO.: 703-746-4955

TELEPHONE: 703-308-3925

FROM: William F. Herbert

RE: U.S. Application No. 09/786,584

YOUR REFERENCE:

OUR DOCKET: 154.1049

NO. OF PAGES (Including this Cover Sheet) 8

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By: Mary C. McJannet

Date: 11/22/04

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Docket No.: 154.1049

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re the Application of:

Eugeniusz RYLEWSKI

Serial No. 09/786,584

Group Art Unit: 3753

Confirmation No. 3718

Filed: April 16, 2001

Examiner: Ljiljana V. Ciric

For: HEAT EXCHANGE UNIT, IN PARTICULAR FOR VENTILATING A BUILDING

**COMMUNICATION REGARDING FINAL OFFICE ACTION NOT RECEIVED**

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicant's below-identified representative has noticed from PAIR that a Final Office Action was supposedly mailed September 27, 2004. Applicant's representative has never received this Action.

Preemptively, and in accordance with the requirements of MPEP §711.03(c), and 1156 O.G. 53, November 16, 1993, the undersigned states that the September 27, 2004 Office Action was not received and attests that a search of the file jacket and the docket records indicates that the Office Action was not received.

A copy of the docket records for this application where the non-received Office Action would have been entered, and thereby docketed for response, is attached hereto as Exhibit A. Also, the log of all Office Actions mailed September 27, 2004, and processed by our firm is attached as Exhibit B. Again, no entry for this application is present.

In view of the foregoing, Applicants respectfully request that the Examiner re-mail the Office Action of September 27, 2004 and set a new three-month statutory period for response.

Serial No. 09/786,584

If any fees are required in connection with the filing of this Petition, kindly charge same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date:

11/22/04

By:

William F. Herbert  
Registration No. 31,024

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